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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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CANADA

EXAMINER

CASAREGOLA, LOUIS J

ART UNIT PAPER NUMBER

3746

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/717,627

Applicant(s)

MATTHEWS, PETER JOHN DAVID

Examiner

Louis J. Casaregola

Art Unit

3746

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/17/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5 is/are rejected.
- 7) ☒ Claim(s) 2-4, 6-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Election

Applicant's election of the invention of Group I, claims 1-8, along with the cancellation of claims 9-11 is acknowledged. An action on the merits of the elected claims is set forth below.

Claim Rejections - 35 USC 102

Claims 1 and 5 are rejected under 35 USC 102(b) as being anticipated by Smith.

The engine shutdown device recited in claims 1 and 5 reads on conventional shutdown apparatus of the type disclosed by Smith. Attention is called to the system shown in Smith's Figure 5; note that valve 15 is a fuel shut-off valve that can be closed under either normal or rapid (emergency) operating modes. Smith's elements 44, 63, etc. correspond to the claimed normal switch, and his elements 21, 42, etc. correspond to the claimed emergency switch. This apparatus is controlled by torque motor 20 such that upon receipt of a normal shutdown signal, high pressure fluid in small bore line 65 is conducted to shut-off valve 15, and upon receipt of an emergency shutdown signal, high pressure fluid in large bore line 29 is supplied to shut-off valve 15 (see col. 4, lines 7-65). The fluid flow at a relatively low flow rate in line 65 corresponds to the claimed normal interruption signal, and the fluid flow at a relatively high flow in line 29 corresponds to the claimed emergency interruption signal.

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Allowable Subject Matter

Claims 2-4 and 6-8 contain allowable subject matter but are objected to as depending from rejected parent claims. If rewritten in independent form, these claims will be allowed.

Additional References

Coleman and McKelvey et al are cited as disclosing further examples of engine control systems with emergency shut-down features.

L. J. Casaregola
571-272-4826 (M-F; 7:30-4:00)
571-273-8300 FAX
August 31, 2005



**LOUIS J. CASAREGOLA
PRIMARY EXAMINER**

If repeated attempts to reach the examiner by telephone are unsuccessful, the art unit supervisor, Timothy Thorpe, can be reached at 571-272-4444.

Information regarding the status of this application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR, and status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).